Fourteenth Loksabha

Session : 4
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Participants : Advani Shri Lal Krishna,Mukherjee Shri Pranab,Bansal Shri Pawan Kumar,Malhotra Prof. Vijay Kumar,Acharia Shri Basudeb,Salim Shri Mohammad

Title: Regarding tabling of the Reports of the Justice Phukan Commisson and the Central Vigilance Commission (CVC).

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Speaker, Sir, I want to make a submission.

MR. SPEAKER: I will call you.

SHRI L.K. ADVANI (GANDHINAGAR): Mr. Speaker, Sir, yesterday you kindly permitted me to raise the question of the Pukhan Commission Report and the CVC Report. The House is grateful to you for having advised the Government to place the Pukhan Commission Report on the Table of the House. I do not know when it will be placed, but I hope that it would be placed before this Session ends.

MR. SPEAKER: That is the direction I have given already.

SHRI L.K. ADVANI : Yes.

On the second issue, namely the CVC Report, because that too relate to several defence procurement contracts, the hon. Leader of the House, who is also the Defence Minister, referred to the fact that when the PAC had sought the CVC Report the earlier Government had claimed privilege and had not given that report. This is true and it is the Government's right. Even this Government can claim privilege in respect of any matter relating to security. But as one of my colleagues pointed out yesterday itself, in so far as the CVC Report relating to defence contracts is concerned, this Government has made that a part of the affidavit submitted to the Supreme Court. Having done that and allowed that CVC Report to go in the public domain, it cannot deny Parliament the CVC Report. So, there is a basic difference.

Therefore, I plead with you to see that the CVC Report is also placed on the Table of the House before the House takes up the discussion. It is a technical matter. It is in the public domain. So, we can already refer to it by seeing the affidavit. But for the Defence Minister to say yesterday that because the earlier Government had claimed privilege in that regard and had not given the CVC Report to the PAC, we also do not propose to lay it on the Table of the House is not a correct stand. This is my plea. … (*Interruptions*)

SHRI BASU DEB ACHARIA (BANKURA): Mr. Speaker, Sir, I want to say something on this issue. … (*Interruptions*)

MR. SPEAKER: No discussion on this now. If you want to do it, it is entirely for you.

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Mr. Speaker, Sir, I want to make a submission.

MR. SPEAKER: Yes.

SHRI PRANAB MUKHERJEE: I have to correct two points.

First of all, I did not say that I would not lay it. That is factually not correct. What I said was that the hon. Leader of the Opposition should explain as to what prompted them to claim privilege when it was asked by the Public Accounts Committee.

Mr. Speaker, Sir, you will recollect that the functioning of the Public Accounts Committee is given so much importance that a former Prime Minister of the country was sent to jail by this House for breach of privilege and the breach of privilege was related to obstruction created by the Prime Minister's Office in collecting materials in connection with the discharge of the functioning of the Public Accounts Committee. Therefore, my respectful submission to the hon. Leader of the Opposition was that it requires a clarification from the Opposition Benches who occupied this side of the House at that point of time.

The second point which I would like to correct is, whatever is available in the affidavit is in the public domain. The hon. Members can use it. There is no harm in it, but it has to be kept in mind that it was not offered *suo motu* by the Ministry of Defence. The highest court of the country asked as to what action you have taken in respect of the C&AG's Report and in respect of the Vigilance Commission's Report. In response to a Public Interest Litigation case when the Supreme Court gave this direction to the Ministry of Defence, we submitted the factual parts, the action taken parts on the CVC Report. Except that nothing has been given. It is in the affidavit itself and it is available to hon. Members. … (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA (SOUTH DELHI): Mr. Speaker, Sir, what was said yesterday was a total ...*…*

MR. SPEAKER: No; do not use such expression.

… (*Interruptions*)

MR. SPEAKER: No; you cannot say that.

PROF. VIJAY KUMAR MALHOTRA : No, Sir, he referred to the CVC Report yesterday. … (*Interruptions*)

THE MINISTER OF WATER RESOURCES (SHRI PRIYA RANJAN DASMUNSI): Mr. Speaker, Sir, on matters of procedure … (*Interruptions*) This pertains to a matter of procedure. … (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Mr. Speaker, Sir, it should not go on record.

MR. SPEAKER: That will be deleted.

प्रो. विजय कुमार मल्होत्रा : इन्होंने सीवीसी की रिपोर्ट को लेकर 15 दिनों तक हाउस नहीं चलने दिया था।...(व्यवधान)

MR. SPEAKER: I have allowed the hon. Leader of Opposition. He had his full say and I respect the point that he has made. The Government has made a response. What more can we do now? We have said that there can be a full-fledged discussion on this.

… (*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, why was the CVC report not made available to the PAC?… (*Interruptions*)

MR. SPEAKER: No please. I have called Shri Bansal.

SHRI PAWAN KUMAR BANSAL : Sir, before I make my submission, I would only like to remind the hon. Leader of Opposition… (*Interruptions*)

… Expended as ordered by the Chair.

SHRI L.K. ADVANI : Sir, there is no use scoring points. I made a point and I made a plea that after all the Government has always a right to claim privilege. Now, he is asking me today, why the

Government at that time did not do so. It was a different Minister. He claimed privilege. He had already referred to it in the other House. I do not want to raise it. But at the same time, I simply said that you cannot deny to the House something that has been given by the Government to the Supreme Court. That is all. It is a plain simple thing. Let us not score points on that … (*Interruptions*)

MR. SPEAKER: Both sides are scoring points. I am only the Umpire; I can only try to give opportunities and see what is possible. I wish everybody all the best.

(ii) Re: Reported Pay Off by South African Company in the Procurement of Arms for the Indian Army

श्री पवन कुमार बंसल (चंडीगढ़) : अध्यक्ष जी, एक वाक्य मैं पढ़कर सुनाना चाहता हूं।…(व्यवधान) Sir, the Government of the day in 2002 then had written a letter with the permission, with the authority of the Raksha Mantri saying "that the Ministry is not in a position to supply a copy of the CVC Report on Defence deal as it would be prejudicial to the interest of the State". This is what they had then felt… (*Interruptions*) Sir, I have no objection to their claiming it… (*Interruptions*) Sir, I am for transparency… (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA (SOUTH DELHI) : Sir, what did they say at that time?… (*Interruptions*)

MR. SPEAKER: We have heard him. Let him make his point of view. You are not bound by his statement. He is entitled to make a statement.

… (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Sir, at that point of time, I had demanded that it should be laid on the Table of the House… (*Interruptions*)

MR. SPEAKER: Only Shri Bansal's submission will go on record.

SHRI PAWAN KUMAR BANSAL : Sir, further going by what the Leader of the House has said… (*Interruptions*) Sir, I am not asking a question, I am expressing an opinion of mine with full sense of responsibility. The Government of the day then took this House for a ride. If they did not think that there was anything prejudicial to the security of the State, why did they make a statement like that? That further only strengthens what the hon. Minister of Defence has said this is how flippantly they took this House… (*Interruptions*)

प्रो. विजय कुमार मल्होत्रा : सर, उन्होंने कहा कि इसको रखिये।…(व्यवधान)

MR. SPEAKER: Let us come to the main point.

… (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Please allow me to finish… (*Interruptions*)

MR. SPEAKER: Shri Md. Salim, please take your seat. Shri Bansal has not called you for his help.

SHRI PAWAN KUMAR BANSAL : Sir, while that was the situation in 2002, we come across a very disturbing news now that at almost the same time, the proceedings of the Price Negotiating Committee regarding Defence purchases were perhaps made available -- I do not want to believe it, and I hope this is false – to an agency outside the country… (*Interruptions*) for consideration… (*Interruptions*) Sir, there are allegations of pay off.

MR. SPEAKER: I will look into it.

प्रो. विजय कुमार मल्होत्रा : सीवीसी की रिपोर्ट में जार्ज साहब का नाम नहीं है।…(व्यवधान) कांग्रेस के मिनिस्टर्स क्योंकि शामिल हैं…(व्यवधान)

SHRI PAWAN KUMAR BANSAL : There are allegations of paying thousands of crores of rupees… (*Interruptions*)

MR. SPEAKER: Certainly, we will not allow any allegations to be made against any hon. Member without notice.

… (*Interruptions*)

प्रो. विजय कुमार मल्होत्रा : यह आरोप पूरी तरह से असत्य है।…(व्यवधान) डैनिल कंपनी के लोग इनके लोगों से मिले…(व्यवधान) इनको अलाऊ नहीं करना चाहिए…(व्यवधान) अगर किसी के खिलाफ चार्ज लगाया जाता है तो इन्हें पहले नोटिस देना चाहिए।…(व्यवधान)

MR. SPEAKER: He has not mentioned any name as yet.

… (*Interruptions*)

MR. SPEAKER: I assure you that I shall delete any name if that has been mentioned.

मोहम्मद सलीम (कलकत्ता-उत्तर पूर्व) : सवाल का विाय क्या है? चाहे फूकन कमीशन हो या कोई और हो।…(व्यवधान)